

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
December 22, 2017

Name of Offender: **Narciso Urbano Morales**

Case Number: **2:15CR00066**

Name of Sentencing Judicial Officer: **Honorable Hayden W. Head**

Date of Original Sentence: **October 20, 2011**

Original Offense: **Possession with Intent to Distribute 24.2 Kilograms of Marijuana**

Original Sentence: **46 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **October 27, 2014**

Date Jurisdiction Transferred to District of Nevada: **April 28, 2015**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Do Not Unlawfully Use Controlled Substance** - You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

The offender submitted tests that were positive for methamphetamine:

December 2, 2017

December 5, 2017

December 20, 2017

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The drug tests were confirmed by the independent laboratory analysis, for the first two (2) positive urinalysis tests. Confirmation is pending for the third (3) positive test. The offender admitted to snorting and consuming a drink which contained methamphetamine in it with a friend on December 2, 2017. Morales also admitted to snorting methamphetamine on December 17, 2017 with a prostitute.

Additionally, on December 16, 2017, the offender failed to report for a scheduled drug test.

2. **Live At Approved Place** - You must notify the probation officer at least 10 days prior to any change in residence or employment.

On December 7, 2017, Morales was made aware that he was not going to receive a rent voucher to pay rent for his residence at that time. The U.S. Probation Office was not made aware of his new address until December 12, 2017, when the undersigned contacted the Morales.

3. **Must Not Interact With Criminals** - You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

The offender reported that on December 17, 2017, he purchased methamphetamine from a prostitute and they used the drug together in her hotel room.

4. **Follow Instructions Of Probation Officer** - You must follow the instructions of the probation officer related to the conditions of supervision.

After missing his drug test on December 16, 2017, the offender was instructed to report to the Probation Office on December 19, 2017 and he failed to do so.

5. **Location Restriction** – You shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.

The offender indicated that on December 17, 2017, he met up with a prostitute on Fremont Street to obtain drugs and have sex. He reported the only reason why he traveled there was for that purpose.

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CAUSE

On October 20, 2011, the above-named offender was sentenced in the Southern District of Texas to 46 months custody and five years' supervised release for the offense of Possession with Intent to Distribute 24.2 Kilograms of Marijuana. On October 27, 2014, the offender was released in the District of Nevada to begin his term of supervised release.

On May 22, 2015, a petition for warrant was filed the U.S. Probation Office and approved by Your Honor for multiple supervision violations committed by the offender. The offender admitted to all four (4) violations listed in the petition, including a positive drug test, missed drug tests, new criminal conduct (Assault with Deadly Weapon; Battery With Deadly Weapon and Coercion with Deadly Weapon) and not following the instructions of the Probation Office. On October 27, 2017, Morales was sentence to 24 months to run concurrently to his aforementioned State of Nevada Case No. C306850 with 12 months supervised release.

On November 27, the offender reported to the U.S. Probation Office after being released from state custody to commence his second term of supervised release. On that date, his Judgment was reviewed and he affixed his signature in acknowledgement of his conditions of supervision. On December 2 and 5, 2017, the offender submitted drug tests that tested positive for methamphetamine and was also confirmed by independent laboratory analysis. When questioned about the drug use, he was honest about his use and admitted to consuming a drink from a friend at work, which unbeknownst to him, contained methamphetamine it. As a corrective strategy, our office reviewed the drug testing condition and ensured he was aware of the consequences associated with continued drug use. He was also referred for a mental health and substance abuse assessment to address the drug use and thinking errors. As a controlling strategy, the offender was verbally admonished and his drug testing frequency was increased. Morales additionally stated that this would be an isolated incident as every time he releases from custody, he uses methamphetamine once to get it out of his system.

On December 16, 2017, he failed to appear for his scheduled drug test. He was then instructed to report to the U.S. Probation Office on December 19, 2017, and he failed to report as instructed.

On December 20, 2017, he submitted a drug test that tested positive for methamphetamine, amphetamine and marijuana. The results are currently pending confirmation from the National Laboratory. He was then questioned regarding the drug use and he admitted to traveling to Fremont Street near the El Cortez Casino. And purchasing methamphetamine from a prostitute and exchanged drugs and sex acts with her in a hotel room. As a corrective strategy, he was admonished for engaging in violation conduct and this officer revisited the previous conversation that occurred when he last tested positive. He apologized and stated he is committed to staying sober and is eager to commence his treatment. The offender was assessed and treatment was

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recommended and he is awaiting his first treatment appointment. As a controlling strategy, this officer indicated he would be recommended that a modification for Home Detention with Location Monitoring for 90 days to monitor the offender's whereabouts and minimize any additional risk to the community.

Attached is a waiver of hearing form signed by the offender to modify his conditions accordingly. The offender was explained his right to a hearing and the assistance of counsel, but waived those rights and agreed to the requested modification.


Respectfully submitted,



Kamu Kapanui
2017.12.26 15:19:43
-08'00'

Kamuela K Kapanui
United States Probation Officer

Approved:

 for Benjamin Johnson
2017.12.26 15:11:39
-08'00'

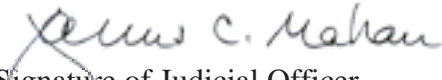
Todd J. Fredlund
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):


Signature of Judicial Officer
December 29, 2017

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program.

☒ GPS Monitoring (including hybrid GPS).

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

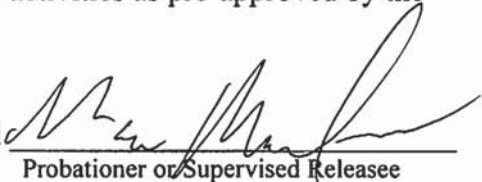
☒ You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer (**Home Detention**).

Witness



U.S. Probation Officer

Signed


Probationer or Supervised Releasee

Date

12/20/17